



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

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BULLETIN

March 1, 2013

To: Water Right Professionals
From: Nevada Division of Water Resources
Re: Proposed Fee Increases and New Fees

The following pages are excerpts from a bill draft request (BDR) submitted by our office to the Nevada Legislature that will 1) increase many of the Division's existing fees and 2) introduce four new fees for services currently provided but not charged. If approved, the new fees will go into effect July 1, 2013.

Background

This BDR is an integral part of our biennium (July 1, 2013 through June 30, 2015) budget proposal. As part of its budget proposal, the Division is proposing to retain the fees it receives, thereby becoming more fee funded and less reliant on the state general fund. It is not the intent now, nor will it ever be, to make the Division entirely fee funded. The Division manages all the waters within the state for its citizens and that core function should always have some level of State general fund support. However, as part of the budget process, a detailed analysis was conducted on how much it costs the Division to provide each service for which it currently charges and it was found that, in most cases, the cost to perform the work is significantly higher than what the Division is charging. Using the *beneficiary pays principle* concept, it is hoped that by incrementally increasing fees to cover actual costs, and by doing so over numerous biennia, the Division will be able to directly use those fees to support the Division's activities. This more stable revenue approach will help the Division to 1) maintain a staffing level that isn't prone to economic fluctuations, and 2) provide a source of revenue to further enhance programs within the Division e.g. adjudications. The Division views this BDR as an investment in the future management of water in the driest state in the nation.

If you have any specific questions about the BDR, please do not hesitate to contact our office at 775-684-2800.

APPROPRIATION OF PUBLIC WATERS

NRS 533.135 Fees of State Engineer.

1. At the time of submission of proofs of appropriation, where the necessary maps are prepared by the State Engineer, the fee collected from any claimants must be the actual cost of the survey and the preparation of maps.

2. The State Engineer shall collect a fee of ~~\$50~~\$60 for a proof of water used for watering livestock or wildlife purposes. The State Engineer shall collect a fee of ~~\$100~~\$120 for any other character of claim to water.

3. All fees collected as provided in this section must be accounted for in detail and deposited with the State Treasurer ~~into the State Engineer's non-reverting account.~~

[27:140:1913; A 1921, 171; NCL § 7914]----(NRS A 1957, 529; 1975, 713; 1981, 1837; 1985, 720; 1989, 1733)

APPLICATIONS, PERMITS AND CERTIFICATES

NRS 533.435 Fees of State Engineer.

1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water.....~~\$300.00~~360.00

This fee includes the cost of publication, which is \$50. ~~Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees.~~

For examining and filing an application for ~~each~~ a permit to change the point of diversion, ~~manner of use or~~ place or manner of use of an existing right.....~~200.00~~240.00

This fee includes the cost of ~~the publication of the application~~, which is \$50. ~~Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees~~

For examining and filing an application for a temporary permit to change the point of diversion, place or manner of use of an existing right.....180.00

For reviewing a corrected application or map, or both, in connection with an application for a water right permit ~~to appropriate water~~..... 100.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power (which results in nonconsumptive use of the water) ~~or watering livestock or and~~ wildlife.....~~300.00~~360.00

plus \$3 per acre-foot approved or fraction thereof.

~~Except for generating hydroelectric power which results in nonconsumptive use of the water, for watering livestock or wildlife purposes which change the point of diversion or place of use only or for irrigation purposes which change the point of diversion or place of use only, f~~For issuing and recording each permit to change an existing water right, for any purpose whether temporary or permanent, except for

generating hydroelectric power and wildlife whether temporary or permanent for any purpose	300.00
plus \$3 per acre-foot approved or fraction thereof.	
The maximum fee (For issuing and recording each permit to <u>change</u> the point of diversion or place of use <u>only</u> of an existing right whether temporary or permanent for irrigation purposes.....	750.00
For issuing and recording each permit to appropriate, or change the point of diversion or place of use of an existing right only whether temporary or permanent, for water livestock or wildlife purposes.....	200.00 240.00
plus \$50 for each second -foot of water approved or fraction thereof.	
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water.....	400.00 480.00
plus \$50 for each second-foot of water approved or fraction thereof.	
For issuing a waiver in connection with an application to drill a well.....	100.00 120.00
For filing and examining a Notice of Intent to drill a well.....	25.00
For filing and examining an Affidavit to Relinquish Water Rights in Favor of Use of Water for Domestic Wells.....	300.00
For filing a secondary application under a reservoir permit.....	250.00 300.00
For approving and recording a secondary permit under a reservoir permit.....	450.00 540.00
For reviewing each tentative subdivision map.....	150.00 180.00
plus \$1 per lot.	
For reviewing and approving each final subdivision map.....	100.00 120.00
For examining and acting upon plans and specifications for construction of a dam.....	1,000.00 1,200.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet.....	400.00 480.00
plus \$1 \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.	
For flood control detention basins	480.00
plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.	
For filing proof of completion of work.....	50.00 60.00
For filing proof of beneficial use.....	50.00 60.00
For issuing and recording a certificate upon approval of the proof of beneficial use.....	350.00
For filing proof of resumption of the use of a water right.....	300.00 360.00
For filing any protest.....	25.00 30.00
For filing any application for extension of time within which to file proofs of <u>completion and/or beneficial use</u> , for each year for which the extension of time is sought:	120.00
For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought.....	120.00

For reviewing a cancellation of a water right pursuant to a petition for review, for each permit.....	300.00 360.00
For examining and filing a Report of Conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384.....	100.00 120.00
plus \$20 per conveyance document	
For filing any other instrument.....	10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page.....	1.00
For each additional page.....	0.20
For certifying to copies of documents, records or maps, for each certificate.....	6.00
For each blueprint copy of any full size drawing or map , per square foot (2'x3').....	5.00 6.00
For each color copy of any full size drawing or map (2'x3').....	12.00
The minimum charge for a blueprint copy, per print.....	3.00
For colored mylar plots.....	10.00
2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.	
3. Except as otherwise provide in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund Engineer's non-reverting account. All fees received for blueprint copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund Engineer's non-reverting account. The State Engineer may maintain, with the approval of the State Board of Examiners, a checking account in any bank or credit union qualified to handle state money to carry out the provisions of this subsection. The account must be secured by a depository bond satisfactory to the State Board of Examiners to the extent the account is not insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.	

[73:140:1913; A 1915, 378; 1921, 171; 1925, 121; 1947, 518; 1949, 102; 1943 NCL § 7959]—(NRS A 1957, 531; 1975, 46, 1398; 1981, 114, 1839; 1983, 1577; 1989, 1733; 1993, 2083; 1995, 436; 1999, 1508; 2009, 646, 1014; 2011, 2392)

**TEMPORARY PERMIT TO ESTABLISH VEGETATIVE COVER
TO PREVENT OR REDUCE WILDFIRE**

NRS 533.436 Application; approval; duration.

1. A person may apply for a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire in an area.

2. In addition to the information required by [NRS 533.335](#), an applicant for a temporary permit shall submit to the State Engineer:

(a) A plan for establishing vegetative cover that is resistant to fire in the area;
(b) Any other information which is necessary for a full understanding of the necessity of the appropriation; and

(c) For:

(1) Examining and filing the application for the temporary permit, \$150.

(2) Issuing and recording the temporary permit, \$200.

3. The State Engineer may forward a plan submitted pursuant to subsection 2 to the State Forester Firewarden for his or her review and comments.

4. The State Engineer shall approve an application for a temporary permit if:

(a) The application is accompanied by the prescribed fees;

(b) The appropriation is in the public interest; and

(c) The appropriation does not impair water rights held by other persons.

5. A temporary permit issued pursuant to this section must not exceed 1 year in duration.

(Added to NRS by [2011, 1563](#))

ENVIRONMENTAL PERMITS

NRS 533.4373 Application for environmental permit: Contents; fee. In addition to the information required by [NRS 533.335](#), an applicant for an environmental permit shall submit to the State Engineer:

1. A copy of a letter or order issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources requiring the applicant to take steps to protect the environment;

2. Any other information which is necessary for a full understanding of the necessity of the appropriation; and

3. For examining and filing the application for the environmental permit, ~~\$150~~[\\$180](#). For issuing and recording the environmental permit, ~~\$150~~[\\$180](#) plus ~~\$1~~[\\$3](#) per acre-foot approved or fraction thereof.

(Added to NRS by 1991, 757)